

Message Text

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PAGE 01 SAN SA 03208 111430Z
ACTION L-03

INFO OCT-01 ARA-14 ISO-00 JUSE-00 /018 W
-----006387 111738Z /41

R 082216Z JUL 77
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 4827

UNCLAS SAN SALVADOR 3208

ATTN: OFFICE OF THE LEGAL ADVISOR

PASS JUSTICE, ATTN: CIVIL DIVISION

E.O. 11652: N/A
TAGS: ACLM, ES

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SUBJECT: POSSIBLE LOCAL LAWSUIT AGAINST A U.S. AGENCY

REF: A-1362 OF 3/21/77

1. USDA/INSECTS AFFECTING MAN RESEARCH PROJECT IN EL SALVADOR HAS LAWSUIT PENDING IN LABOR CASE. EX-EMPLOYEE DEMANDING, THROUGH LAWYER, SIX MONTHS' SEPARATION PAY VS. THE USUAL ONE-MONTH-PER-YEAR-OF-WORK FORMULA. EMPLOYER MAINTAINS WORKER DISCHARGED FOR DISOBEYING A SUPERVISOR AND FOR CARELESSNESS, BOTH VALID REASONS FOR DISMISSAL UNDER LABOR CODE.

2. NEXT STEP IN LEGAL PROCESS MAY BE THE SERVING OF A SUBPOENA ON SALVADORAN EMPLOYEE OF IAM WHO IS CONTRACT PERSON FOR ALL LOCAL STAFF. HOWEVER, AS OF THIS WRITING, WE SEE POSSIBILITY OF AMICABLE OUT-OF-COURT SETTLEMENT OF CASE. IN EVENT PLANNED MEDIATION THROUGH MINISTRY OF LABOR AUSPICES UNSUCCESSFUL, USDA-IAM PREPARED TO SUPPORT THE CONTRACT
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REPRESENTATIVE IN LABOR COURT. A LAWYER WOULD BE HIRED BY LOCAL EMPLOYEE WHO HAS TITLE OF CONTRACT REPRESENTATIVE AND USDA ADMINISTRATIVE FUNDS WOULD BE USED.

3. IF CASE PROCEEDS IN SUCH A MANNER TO FORCE COURT APPEARANCE, WE WILL IMMEDIATELY NOTIFY BY CABLE, AND BY AIRGRAM COVER SUBMIT RELEVANT DOCUMENTS. EMBASSY DOES NOT RPT NOT PERCEIVE

NECESSITY OF REQUESTING SOVEREIGN IMMUNITY THROUGH DIPLOMATIC
CHANNEL IN THIS INSTANCE.
LUBENSKY

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NNN

Message Attributes

Automatic Decaptioning: X
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Executive Order: N/A
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Review Withdrawn Fields: n/a
SAS ID: 1920168
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Status: NATIVE
Subject: POSSIBLE LOCAL LAWSUIT AGAINST A U.S. AGENCY
TAGS: ACLM, ES
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